

Philip D. Dracht, #11561  
FABIAN & CLENDENIN, P.C.  
215 South State, Suite 1200  
Salt Lake City, Utah 84111  
Telephone: (801) 531-8900  
Telefax: (801) 596-2814  
Emails: pdracht@fabianlaw.com

Attorneys for Defendants Aurora Bank FSB; Lehman Brothers Bank FSB;  
Aurora Loan Services, Inc.; Mortgage Electronic Registration Systems

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

<p>RICHARD W. HARRIS</p> <p>PLAINTIFF,</p> <p>V.</p> <p>LEHMAN BROTHER BANK FSB, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, ITS TITLE INSURANCE SERVICES, LLC, AURORA LOAN SERVICES, LLC, JAMES H. WOODALL, KEYBANK NATIONAL ASSOCIATION, FIRST AMERICAN TITLE INSURANCE AND DOES 1-5</p> <p>DEFENDANTS.</p> <p>.</p>	<p>CASE: 2:10-cv-00690-CW</p> <p>DEFENDANTS LEHMAN BROTHER BANK FSB'S, AURORA LOAN SERVICES, INC.'S, AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS' NOTICE OF REMOVAL</p>
--	--

Pursuant to 28 U.S.C. §§1331 and 1442, Defendants Lehman Brothers Bank, FSB, Aurora Loan Services, Inc., and Mortgage Electronic Registration Systems ("Removing Defendants") give notice of the removal of this action from the Third Judicial District Court in and for Salt Lake County, Salt Lake City, where it was pending to the to the United States District Court for the District of Utah. In support, Defendants state as follows:

1. On June 25, 2010, Plaintiff Richard W. Harris filed his Complaint in the Third District, Salt Lake County, State of Utah, Civil Action No. 100911454 against Defendants Lehman Brothers Bank, FSB, Aurora Loan Services, Inc., Mortgage Electronic Registration Systems, ITS Title Insurance Services, LLC, James H. Woodall, Keybank National Association, First American Title Insurance, and DOES 1-5.<sup>1</sup>

2. The United States District Court for the District of Utah has original jurisdiction over this matter pursuant to 28 U.S.C. §1331, because the Plaintiff asserts claims under the federal Fair Debt Collection Practices Act 15 U.S.C. § 1692d *et. seq.*<sup>2</sup>

3. All Defendants were purportedly served by certified mail, mailed June 22, 2010.

4. Service was effective on Removing Defendant Aurora Home Loan Services on June 25, 2010, when it was received by its agent for service of process.

5. This notice is filed timely pursuant to 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days of receipt of the complaint.

6. Defendant James H. Woodall, as trustee, through his counsel Peter J. Salmon, consents and joins in this removal.<sup>3</sup> Other Defendants' counsel are unknown to Removing Defendants' counsel as no Defendant has yet appeared in the state court proceedings.

---

<sup>1</sup> See Complaint with Exhibits, attached hereto as Exhibit A.

<sup>2</sup> See Exhibit A (Complaint), ¶¶ 62-93.

<sup>3</sup> See Exhibit E.

7. In compliance with 28 U.S.C. § 1446(d), Removing Defendants will file a copy of this Notice of Removal with the clerk of the District Court of Salt Lake County, Utah and give written notice to all parties.

8. Attached are copies of all process, pleadings and orders served upon Removing Defendants which include the following:

- A. Complaint with Exhibits, attached as Exhibit A;
- B. Summons, attached as Exhibit B.
- C. Motion to Dismiss Plaintiff's Complaint by Defendant James H. Woodall, attached as Exhibit C.
- D. Memorandum of Points and Authorities in Support of Motion to Dismiss Plaintiff's Complaint by Defendant James H. Woodall, attached as Exhibit D.
- E. Consent and Joinder in Removal by James Woodall, attached as Exhibit E.

Removing Defendants hereby remove the State Court action to this Court.

Dated: July 22, 2010

FABIAN & CLENDENIN, P.C.

/s/ Philip D. Dracht  
Philip D. Dracht  
*Attorneys for Defendants Lehman Brothers Bank  
FSB, Aurora Loan Services, Inc., Mortgage  
Electronic Registration Systems*

**CERTIFICATE OF SERVICE**

The undersigned further certifies that on July 22, 2010, **DEFENDANTS LEHMAN BROTHER BANK FSB'S, AURORA LOAN SERVICES, INC.'S, AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS' NOTICE OF REMOVAL** was served upon the following via U.S. mail postage prepaid:

M Abraham Bates  
Timothy Clark Dudley  
Wasatch Advocates, LLC  
2825 Cottonwood Pkwy, STE 500  
Salt Lake City, UT 84121  
*Counsel for Plaintiff*

Peter J. Salmon  
Pite Duncan, LLP  
4375 Jutland Drive, Suite 200  
P.O. BOX 17935  
San Diego, CA 92177-0935  
*Counsel for James H. Woodall*

ITS Title Insurance Services  
6925 S. Union Park Center  
Midvale, UT 84047-4142

First American Financial Corporation  
Blake T. Heiner  
(Registered Agent)  
560 S. 300 E.  
Salt Lake City, UT 84111

KeyCorp  
CT Corporation System  
(Registered Agent)  
50 W. Broadway 8th Floor  
Salt Lake City, UT 84101-2006

s/Philip D. Dracht